

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
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2-4-16

COMMITTEE ON FEDERALISM AND STATES' RIGHTS

Report of Regular Meeting
Wednesday, February 3, 2016
House Hearing Room 5 -- 9:00 a.m.

Convened 9:02 a.m.

Recessed

Reconvened

Adjourned 9:54 a.m.

Members Present

Mr. Finchem
Mr. Mitchell
Ms. Rios
Mr. Thorpe
Mr. Wheeler
Mr. Campbell, Vice-Chairman
Ms. Townsend, Chairman

Members Absent

Ms. Velasquez

Agenda

Original Agenda – Attachment 1

Request to Speak

Report – Attachment 2

Presentations

Name

None

Organization

Attachments (Handouts)

Committee Action

Bill

Action

Vote

Attachments

(Summaries,
Amendments,
Attendance)

HCR2036 DPA

5-0-0-3

3, 4, 5, 6

HB2457 DP

5-1-0-2

7, 8, 9, 10, 11

HCR2029 DP

4-3-0-1

12, 13, 14

Committee Attendance

15



Jackie Wright, Chairman Assistant

02/04/16

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Convened: 9:02 A.M.
adjourned: 9:54 A.M.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON FEDERALISM AND STATES' RIGHTS

DATE Wednesday, February 3, 2016

ROOM HHR 5

TIME 09:00 A.M.

Members:

Mr. Finchem
Mr. Mitchell
Ms. Rios

Mr. Thorpe
Ms. Velasquez
Mr. Wheeler

Mr. Campbell, Vice-Chairman
Ms. Townsend, Chairman

Bills	Short Title	Strike Everything Title
HB2457	<u>DP</u> compact; balanced budget; convention (Mesnard, Borrelli, Cobb, et al)	
	<u>5-1-0-2</u> FSR, RULES	
HCR2029	<u>DP</u> Article V; natural born citizen (Townsend, Thorpe; Barton, et al)	
	<u>4-3-0-1</u> FSR, RULES	
HCR2036	<u>DPA</u> loyalty day (Espinoza, Cardenas, Fernandez, et al)	
	<u>5-0-0-3</u> FSR, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

JW
1/28/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Federalism and States' Rights (2/3/2016)

HB2457, compact; balanced budget; convention

Testified in support:

Wesley Harris, representing self; Nicholas Dranias, representing self

Support:

J.R. Morris, representing self; Aaron Ellsworth, representing self; David Leeper, representing self; William Gregory Eisert, representing self; Terry Hill, representing self; Kenneth Moyes, representing self; Kevin DeNomie, representing self; Roy Miller, representing self; Beth Hallgren, 40 Days For Life campaign administrator, representing self; Jeff Utsch, representing self; Sheryl Sniegowski, representing self; Grady Rhodes, representing self

Neutral:

Joyce Hill, representing self

Oppose:

Rivko Knox, representing self; Jim Dutton, representing self; Nan Nicoll, representing self; Richard Hofelich, representing self; James Pinkerman, representing self

All Comments:

J.R. Morris, Self: I strongly urge members to pass this bill along for further discussion and ultimate passage into law.; Aaron Ellsworth, Self: The Federal debt is the greatest threat facing our country. We must get it under control.; David Leeper, Self: The Compact for America and Convention of States are our best hope to rein in a runaway federal government. Please support both!; Rivko Knox, Self: A Constitutional Convention cannot be controlled. Our current Constitution, with amendments, has served us well. Please don't mess with it via a Convention!; Wesley Harris, Self: It is clear that without using Article V of the Constitution, Congress will not act to restrain spending...only action by the States and We the People will effect this so please vote to move this bill forward.; William Gregory Eisert, Self: This is a worthwhile Bill. It is certainly due for moving forward....Past Due....; Jim Dutton, Self: It seems foolish to push an amendment to a Constitution that Congress refuses to obey already. No guarantees that will honor this balanced budget amendment.; Nan Nicoll, Self: NO NO NO on this bill. The Balanced Budget Amendment is a misnomer. legislature decides they need more taxes it will be easier to raise than now. Watch Heritage video<http://www.heritage.org/research/reports/2004/10/the-balanced-budget-amendment-the->; Kenneth Moyes, Self: \$19T debt versus a GDP of \$17T? NATIONAL SECURITY EMERGENCY! Congress is still spending. The States need to put brakes on debt. Will spending Congress proceed with an amendment or any other measure to control the debt? You be the judge.; Nicholas Dranias, Self: The Compact's Balanced Budget Amendment enforces a glide path to balanced budgets by limiting Washington's borrowing capacity to 105% of the outstanding debt on ratification and otherwise restricting federal spending to cash revenue.; Roy Miller, Self: Excellent idea. The only way to guarantee a balanced budget. Please lend your support.; James Pinkerman, Self: Most of us here claim to be conservatives. What is it we are trying to conserve? Conservatives' object used to be the original inspired intent of the Constitution. We need to conserve this

Constitution rather than further amending it.; Beth Hallgren, Self: Our founding fathers made this provision in our Constitution, for such a time, as this. We need to use it and use it wisely. We must insist on a reasonable balanced budget, to survive on a local, state, and national level.; Jeff Utsch, Self: I am sorry I cannot be there but I am 100% behind this Bill and ask for this committee's approval. We can no longer wait for Washington to do the right thing. The Founders expected the States to act and this is the safest, fastest, best way to go.; Sheryl Sniegowski, Self: Cut the federal credit card before our children and grandchildren's future is destroyed.; Grady Rhodes, Self: I am a PC from Northwest Tucson (Pima) and I believe strongly that we need to change the US constitution to force fiscal responsibility. Many of my constituents also believe this bill is absolutely necessary.

HCR2036, loyalty day

Support:

John Roulstone, representing self

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on FSR Convention, balanced budget Bill Number HB 2957

Date 2/3/16 ☒ Support ☐ Oppose ☐ Neutral

Name Beth Hallgren Need to Speak? ☒ Yes ☐ No

Representing Self Are you a registered lobbyist? No

Complete Address 3400 S. Ironwood Dr. Apt # 236, AJ, 85120

E-mail Address beth4042@gmail.com Phone Number 602-367-2495

Comments: _____

FIVE-MINUTE SPEAKING LIMIT



HOUSE OF REPRESENTATIVES

HCR 2036

loyalty day

Prime Sponsor: Representative Espinoza, LD 19

X Committee on Federalism and States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HCR 2036 declares May 1st of each year as Loyalty Day in the State of Arizona.

PROVISIONS

1. Proclaims May 1 of each year as Loyalty Day in the State of Arizona.
2. Asserts that members of the Legislature reaffirm their allegiance to the United States and the flag of the United States.
3. Requests members support the efforts of the people of this State to observe Loyalty Day by proudly displaying the United States flag.

CURRENT LAW

According to U.S.C. Title 36 § 115, federal law recognizes May 1st as Loyalty Day. It is a day for the reaffirmation of allegiance to the United States, and for the acknowledgment of the culture of American freedom. On Loyalty Day, the Office of the President may issue a proclamation urging government officials to display the flag of the United States on all government buildings, and requesting the citizens of the United States to observe Loyalty Day with suitable ceremonies in schools and other appropriate places.

ARIZONA HOUSE OF REPRESENTATIVES

Committee Report

February 3, 2016

MR. SPEAKER:

Your COMMITTEE ON FEDERALISM AND STATES' RIGHTS has had under consideration

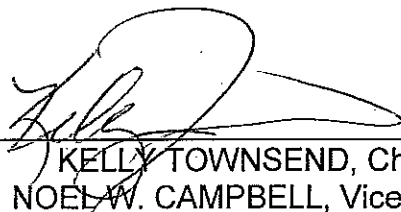
HOUSE CONCURRENT RESOLUTION 2036 and respectfully recommends:

it be amended as follows:

(SEE ATTACHED)

and, as so amended it do pass

LCS



KELLY TOWNSEND, Chairman
NOEL W. CAMPBELL, Vice-Chairman

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2036

(Reference to printed concurrent resolution)

- 1 Page 1, line 4, after the first "the" insert "Republic of the"
- 2 Line 18, after the first "the" insert "Republic of the"; after "and" insert "to"
- 3 Amend title to conform

KELLY TOWNSEND

HCR2036TOWNSEND.doc
01/28/2016
10:41 AM
H: jr/ahc

Attachment 5

Adopted <input checked="" type="checkbox"/>	# of Verbals <input type="text"/>
Failed <input type="text"/>	Withdrawn <input type="text"/>
Not Offered <input type="text"/>	Analysts Initials <input type="text"/>

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HCR 2036

DATE February 3, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios					✓
Mr. Thorpe		✓			
Ms. Velasquez					✓
Mr. Wheeler					✓
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	0	0	3

APPROVED:


KELLY TOWNSEND, Chairman
NOEL W. CAMPBELL, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2457

compact; balanced budget; convention

Prime Sponsor: Representative Mesnard, LD 17

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HB 2457 establishes a compact among the states for the purpose of proposing a balanced budget amendment to the United States Constitution.

PROVISIONS

Compact for a Balanced Budget

1. Establishes the Compact for a Balanced Budget with the intent to originate a balanced budget amendment to the U.S. Constitution amongst every state enacting, adopting and agreeing to be bound by the compact.

Balanced Budget Amendment

2. Specifies outstanding debt cannot exceed authorized debt, which is initially the amount equal to 105 percent of the outstanding debt on the effective date of this article.
3. Asserts that authorized debt cannot be increased above the initial amount unless it is first approved by the legislatures of several states.
4. Allows Congress to increase authorized debt beyond its initial amount only if approved by a simple majority of the legislatures of the several states.
5. Specifies that if approval by the legislatures is not received by 60 calendar days after the referral, then the measure is deemed disapproved and the authorized debt remains unchanged.
6. Requires the President to enforce established limits by publicly designating specific expenditures for impoundment in an amount sufficient to ensure debt will not exceed the authorized debt.
7. Makes impoundments effective 30 days thereafter unless Congress first delegates an alternate impoundment of the same or greater amount by concurrent resolution, which is immediately effective.
8. Establishes that the failure of the President to designate or enforce the required impoundment as an impeachable misdemeanor.
9. Mandates that no bill that provides a new or increased General Revenue Tax can become law unless approved by two-thirds roll call vote of each house of Congress.
10. Specifies that this article is immediately operative upon ratification, self-enforcing, and Congress may enact conforming legislation to facilitate enforcement.

Membership and Withdrawal

11. Asserts that the compact governs each member state with respect to their constitutions, superseding and repealing any conflicting or contrary law.
12. Clarifies that a member state agrees to perform and comply strictly in accordance with the terms and conditions of the compact. Additionally, the compact contractually binds each member state upon the following:
13. At least one other state has become a member state by enacting substantively identical legislation adopting and agreeing to be bound by the compact; and
14. Notice of such state's status is received by the compact administrator, or each member state's chief executive officer.
15. Specifies that when determining member state status, as long as all other provisions of the compact remain identical and operative on the same terms, legislation enacting, adopting and agreeing to be bound by the compact will be deemed and regarded as substantively identical with respect to such other legislation enacted by another state except for:
16. Any difference regarding enacting the method of appointing its members to the commission;
17. Any difference regarding the obligation to fund the compact commission;
18. Any difference regarding the number and identity of delegates, except no more than three delegates shall attend and participate on behalf of any state;
19. Any difference in regards to the enacting states, are to follow up with a Convention as set forth in Article V of the U.S. Constitution if the compact is terminated.
20. Allows a member state to withdraw from the compact when less than three-fourths of the several states are member states by enacting appropriate legislation and submit proper notification.
21. Limits a member state's ability to withdraw, once at least three-fourths of the several states are members by unanimous consent from the member states.
22. Specifies that a withdrawal from the compact will not affect the validity or applicability with respect to the remaining member states, provided that at least two states remain member states.

Compact Commission

23. Establishes a commission initially consisting of three unpaid members and allows each joining member state to appoint one member. Additionally, specifies positions are assigned in the order in which a state becomes a member state.
24. Outlines the powers and duties of the commission which include:
25. Appoint and oversee a compact administrator;
26. Encourage states to join the compact and Congress to call the convention in accordance with this compact;
27. Coordinate the performance of obligations under the compact;

28. Oversee its logistical operations as appropriate;
29. Oversee the defense and enforcement of the compact in appropriate legal venues;
30. Request and disburse funds to support the operations of the commission, administrator, and convention; and
31. Cooperate with any entity that shares a common interest with the commission and engages in policy research, public interest litigation or lobbying in support of the purposes of the compact.
32. Restricts the commission's powers to only those that are essential to carrying out the aforementioned expressed powers and duties.
33. Prohibits the commission from taking any action that contravenes or is inconsistent with the compact or any state law that is not superseded by the compact.
34. Allows the commission to adopt and publish bylaws and policies that correspond to the powers and duties of the commission.
35. Authorizes the commission, through its bylaws, to expand its membership to include representatives of additional member states and, if adequate funding exists, receive salaries and reimbursement of expenses.
36. Limits each commission member to one vote. Additionally, no action may be taken unless a majority is present, and no action is binding unless approved by such majority.
37. Directs the commission to meet at least once a year, and at its first meeting to elect a chairman, place for doing business, and a compact administrator.
38. Specifies the commission and administrator's activities be funded exclusively by each member state, or by voluntary donations.

Compact Administrator

39. Outlines the powers and duties of the administrator which include:
 - a. Notify the states of the date, time, and location of the convention in a timely manner;
 - b. Organize and direct the logistical operations of the convention;
 - c. Maintain an accurate list of all member states and their appointed delegates;
 - d. Formulate, transmit, and maintain all official notices, records, and communications relating to the compact; and
 - e. Keep the commission seasonably apprised of the performance or nonperformance of the terms and conditions of the compact.
40. Restricts the administrator's powers to only those that are essential to carrying out the aforementioned expressed powers and duties.
41. Prohibits the administrator from taking any action that contravenes or is inconsistent with the compact or any state law that is not superseded by the compact.
42. Specifies that the administrator serves at the pleasure of the commission.
43. Specifies notices from member states to the administrator are seasonably delivered by the administrator to each other member state's chief executive officer.

44. Requires the administrator to immediately send notices to all compact notice recipients, along with certified conforming copies of the chaptered version of the compact, when any of the following events occur:
 - a. When a state becomes a member state;
 - b. Once at least three-fourths of the states are member states, along with a statement declaring two-thirds of the several states have applied for a convention, petitioning Congress to call the convention contemplated, and requesting cooperation in organizing the convention;
 - c. Congress calling the convention contemplated, along with the date, time, and location of the convention;
 - d. Approval of the balanced budget amendment by the convention, along with a certified copy of the proposed amendment, and a statement requesting Congress to refer the amendment for ratification by three-fourths of the legislatures; and
 - e. Any article of the compact prospectively ratifying the amendment is effective in any member state, along with a statement declaring such ratification and requesting that the official record reflect the amendment to the U.S. Constitution.
45. Requires the administrator to send the chaptered version of the legislation to withdrawal from the compact as enacted by the withdrawing member state to each remaining member state's chief executive officer.
46. Specifies member states, the commission, and the administrator to give mutual assistance in enforcing the compact, additionally give each member state's chief law enforcement officer any information or documents that are reasonably necessary to facilitate enforcement.

Application for Convention

47. Applies to Congress for an Article V Convention for the purposes of proposing the balanced budget amendment.
48. Petitions Congress to refer the balanced budget amendment to the states' legislatures for ratification.

Convention Delegates

49. Stipulates that there are to be three delegates from the state.
50. Appoints the Governor, Speaker of the House of Representatives, and the President of the Senate are appointed as delegates to represent this state at an Article V Convention.
51. Asserts the delegation will decide any issue by majority vote.
52. Authorizes a member state's legislature to replace or recall its appointed delegate at any time for good cause.
53. Requires the delegate to publicly take a prescribed oath prior to appointment.
54. Sets the delegate's term limit from the time of appointment to the permanent adjournment of the convention.
55. Outlines and limits the power and authority of a delegate as follows:

- a. Introducing, debating, voting upon, proposing and enforcing the convention rules specified in the compact, and
 - b. Introducing, debating, voting upon, and rejecting or proposing for ratification the balanced budget amendment.
56. Prohibits any delegate from introducing, debating, voting upon, rejecting or proposing for ratification any constitutional amendment unless:
- a. The convention rules govern the convention and their actions, and
 - b. The amendment is the balanced budget amendment.
57. States any unlawful actions taken by a delegate are considered void ab initio.
58. Requires delegates holding any other public office to take a temporary leave of absence from such office and prohibits the delegate from exercising any power or authority associated with such office while attending the convention.
59. Directs each delegate to ensure the convention rules govern the convention and their actions prior to the commencement of business. Additionally, each delegate and member state must vacate the convention and notify the administrator if the convention rules are not adopted to govern the convention.
60. Specifies that any delegate of a member state who violates any provision of the compact forfeits their appointment.
61. Entitles a delegate to receive reimbursement of reasonable expenses for attending the convention from their respective state, and prohibits delegates from receiving any other remuneration or compensation.

Convention Rules

62. Establishes the convention to be exclusively represented and constituted by the several states.
63. Limits the convention's actions to introducing, debating, voting upon, and rejecting or proposing the balanced budget amendment.
64. States the procedure for identifying each member states' and non-member states' delegate.
65. Specifies rules for voting, quorum, convention actions, emergency suspension and relocation of the convention, adoption of parliamentary procedure, record keeping of proceedings and minutes, and convention adjournment.
66. Directs the Chairman of the convention, upon approval of the proposed balanced budget amendment, to transmit such amendment to the administrator and all compact notice recipients, and requests Congress to refer the amendment for ratification.

Miscellaneous

67. Defines the following terms: *debt, outstanding debt, authorized debt, total outlays of the government of the United States, total receipts of the government of the United States, impoundment, general revenue tax, compact, convention, state, member state, compact notice recipients, notice and balanced budget amendment.*

68. Requires all notices be sent by U.S. certified mail, or at least an equivalent thereof, with a return receipt.
69. Specifies that the article relating to the compact commission and administrator is not effective until there are at least two member states.
70. Specifies that the article relating to the application for convention is not effective until at least three-fourths of the states are member states.
71. Outlines circumstances in which the convention is void ab initio.
72. Clarifies the convention must be governed by the compact and appropriately recognized by Congress in order for member states to participate in the convention.
73. Asserts that upon Congress referring the balanced budget amendment to the states' legislatures, the legislatures prospectively adopt and ratify the amendment.
74. Declares that the legislation enacting this compact is deemed to waive, repeal, and supersede any rules, policies, or procedures to the extent permitted by a member state's constitution.
75. Establishes the date, time, and location of the Article V Convention.
76. Directs each member state's chief law enforcement officer to defend the compact from any legal challenge.
77. Asserts the northern district of Texas or the courts of the State of Texas as the exclusive venue for legal actions unless waived by the commission.
78. Sets the conditions for the effective date of the compact.
79. Establishes the terms for the termination of the compact.
80. Provides for certain provisions to be severable.

CURRENT LAW

Article V of the United States Constitution states that amendments to the U.S. Constitution may be made. Proposed amendments may be done in one of two ways: the approval of two-thirds of both Houses of Congress, or on the application for a convention by two-thirds of the states' legislatures. Proposed amendments then have to be formally approved by three-fourths of the states' legislatures or by three fourths of the states' conventions. Congress may recommend the mode of ratification.

Additional Information

Alaska, Georgia, Mississippi and North Dakota enacted House Bill 284, House Bill 794, Senate Bill 2398, and House Bill 1138, respectively, to exercise the power of their legislatures in proposing a balanced budget amendment to the United States Constitution as permitted by Article V of the U.S. Constitution. Each these balance budget compacts are *substantially identical* to each other except for the identity and the number of representatives the respective state chooses to act as delegates for the National Convention. The enactment of these laws acknowledges that member states are bound to the balanced budget compact, and must comply with the expressed mutual promises and obligations indicated by each states' legislature.

ARIZONA HOUSE OF REPRESENTATIVES

Committee Report

February 3, 2016

MR. SPEAKER:

Your COMMITTEE ON FEDERALISM AND STATES' RIGHTS has had under consideration

HOUSE BILL 2457 and respectfully recommends:

it do pass

LCS



KELLY TOWNSEND, Chairman
NOEL W. CAMPBELL, Vice-Chairman

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HB 2457

DATE February 3, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez					✓
Mr. Wheeler					✓
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	1	0	2

APPROVED:


KELLY TOWNSEND, Chairman
NOEL W. CAMPBELL, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature



Greetings to the Members of the Legislature of the State of Arizona from the Commissioners of the Compact for a Balanced Budget:

We are writing to you and offering this testimony in our capacity as members of the Compact Commission for the Compact for a Balanced Budget (the "Compact".) Article IV of the Compact details the role of the Compact Commission. Each of the first three states to join the Compact can appoint a member to the Commission and the Commission activates when the first two members are appointed. In 2014, Georgia Governor Nathan Deal appointed State Representative **Paulette Rakestraw** as the Georgia Commission member. In the same year, Alaska Governor Sean Parnell appointed Lt. Gov. **Mead Treadwell** as the Alaska Commission member. With these appointments, the Compact Commission was formed. We represent the 4 member states of the Compact: Alaska, Georgia, Mississippi and North Dakota.

The powers and duties of the Compact Commission include:

1. to encourage States to join the Compact and Congress to call the Convention in accordance with the Compact;
2. to appoint and oversee a Compact Administrator;
3. to coordinate the performance of obligations under the Compact;
4. to oversee the Convention's logistical operations as appropriate to ensure this Compact governs its proceedings;
5. to oversee the defense and enforcement of the Compact in appropriate legal venues;
6. to request funds and to disburse those funds to support the operations of the Commission, Compact Administrator, and Convention; and
7. to cooperate with any entity that shares a common interest with the Commission and engages in policy research, public interest litigation or lobbying in support of the purposes of the Compact

In January of 2015, the Compact Commission appointed Compact for America Educational Foundation, Inc., and its staff ("CFA"), as the Compact Administrator and Technical Advisor. In this role, CFA's powers and duties are to assist the Commission members with their specific duties and to provide technical assistance and support, including providing expert testimony and technical advice before state legislative committees. CFA through its staff and expert advisors and consultants is authorized to speak on behalf of the Commission and to answer any and all questions you may have.

Our desire is for your state to join the Compact without delay. The reasons for joining the Compact for a Balanced Budget are four-fold:

First, debt is taxation if it is to be repaid. It is taxation of our kids and their kids. It is taxation without representation. It is the worst kind of taxation.

Second, there is no reliable political constraint on the abuse of debt when borrowing capacity is unlimited. This is because the costs of borrowing rarely, if ever, fall on currently elected officials or their constituents. Money is typically borrowed to pay the interest on the money that is borrowed. The borrowing and spending will likely continue until the system crashes, without a limit on borrowing capacity.

HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature

Third, responsible spending requires a limited borrowing capacity. Otherwise, there is little or no reason to prioritize spending or to pursue workable spending programs. Without such prioritization, we will waste resources needlessly. Because resources are ultimately scarce, there will come a time when the music will stop and the system will crash, imperiling both legitimate and illegitimate spending programs.

Fourth, unlimited borrowing capacity is dangerous to national security. In order to maintain our debt-spending habits, our country has no choice but to borrow from many potential or actual international adversaries. This could give foreign nations that are willing to risk their own economic injury significant leverage in influencing our policies. It is not wise to put our future in their hands and hope that their own prudential calculations would counsel against such behavior.

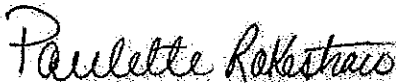
The Compact for a Balanced Budget is an innovative, streamlined vehicle to achieve a federal Balanced Budget Amendment that will address and enable us to remedy all of the problems associated with unlimited federal borrowing capacity.

We invite your great state to join the Compact and to help us protect future generations from unsustainable debt spending at the federal level.

Thank you.



Mead Treadwell
Alaska Compact Commissioner
Lieutenant Governor, State of Alaska



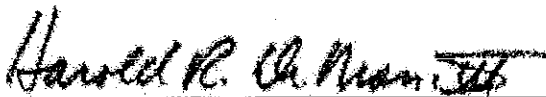
Paulette Rakestraw
Georgia Compact Commissioner
Member, Georgia State House of Representatives

HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature

My name is Harold R. DeMoss, III, and I currently reside in Houston, Texas. I am the CEO of Compact for America Educational Foundation, Inc., and a member of the Board of Directors. Please allow me to introduce into testimony before your respective committees the following information:

- Written testimony from Paulette Rakestraw and Mead Treadwell, members of the Compact Commission of the Compact for a Balanced Budget
- Written testimony from Judge Harold R. DeMoss, Jr. – retired Senior Judge, formerly on the U.S. Fifth Circuit Court of Appeals, and member of the Foundation’s Council of Scholars
- Written testimony from Ilya Shapiro, JD – Senior Fellow in Constitutional Studies at the Cato Institute, editor-in-chief of the *Cato Supreme Court Review* and member of the Foundation’s Council of Scholars
- Written testimony from Byron Schlomach, PhD – Economist, Director of the Center for Economic Prosperity at the Goldwater Institute, and member of the Foundation’s Council of Scholars
- Written testimony from Kevin Gutzman, JD, PhD – Professor and Director of Graduate Studies in the Department of History at Western Connecticut State University, New-York Times best-selling author of two books on constitutional history – *Who Killed the Constitution* and *The Politically Incorrect Guide to the Constitution*, and member of the Foundation’s Council of Scholars
- Executive summary of national survey undertaken by McLaughlin & Associates that demonstrate that **six in ten** of voters favor a balanced budget amendment and **at least 70%** favor Compact for America’s specific and common sense proposals to rein in the federal deficit.
- Executive summaries of polls performed in Alabama, Michigan, Mississippi, North Carolina, and Texas showing supermajority support for the Balanced Budget Compact.
- Letters of support from Graham Dorland, former CEO of Airborne Express, and David Leeper.
- Petition signed by over 145 citizens from around the country supporting the Balanced Budget Compact.

Thank you for this opportunity to provide this testimony.



HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature

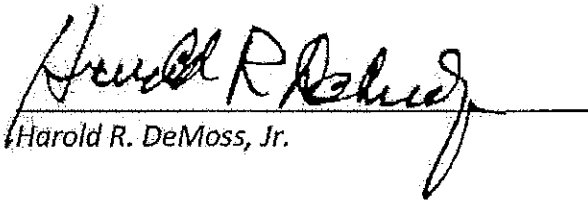
My name is Harold R. DeMoss, Jr., and I currently reside in Houston, Texas. I am writing to encourage you to support the Compact for a Balanced Budget. I am a retired Senior Judge on the United States Court of Appeals for the Fifth Circuit.

As a member of Compact for America Educational Foundation's Council of Scholars, I can assure you that the Compact's legal and policy foundations have been thoroughly examined and vetted by numerous experts in the relevant fields. The fundamental underpinning of the Compact is the ability to resolve the concerns expressed by many of a possible "runaway" convention. These concerns are best exemplified in the famous "Twenty Questions" raised by the Eagle Forum. At the outset of the development of the Compact, we engaged Andy Schlafly, who is Phyllis Schlafly's son, a Harvard-trained constitutional attorney, and a member of the board of directors of Eagle Forum. I personally participated in conference calls with Andy to make sure that each of the Eagle Forum's concerns had been fully addressed in the Compact. Andy's input was invaluable, the Compact is a much better document because of it, and CFA has acknowledged the important role of Eagle Forum.

Additionally, you should find comfort in the fact that nothing happens with the Compact until Congress consents to the terms and provisions of the Compact. Three key provisions to highlight are that 1) the contemplated convention is limited to no more than 24 hours in duration; 2) the sole agenda item is the formal vote as to the proposal of the Balanced Budget Amendment contained in the Compact; and 3) the Compact is enforceable under state law, federal law, and under the Contract Clause of the U.S. Constitution under Article I, Section 10.

And finally, since the passage of the 17th Amendment a hundred years ago, the states have had very little role in the formation of federal policy. The Compact begins a process to reinsert the states back into the equation by placing them in a "Board of Directors" oversight capacity over Congress, with the sole authority to authorize a requested increase in the federal debt limit with approval of a majority of the state legislatures. In addition to attacking the problem of concentrated power in Washington DC, the Compact will also bring a halt to Congress' ability to borrow money without limit and will force Congress to act in a fiscally-responsible manner.

There is no doubt in my mind that time is growing short for leadership on fixing the national debt problem. In my opinion, Congress will not lead - only the states can. Your state has taken a leading role in uniting the states around the Compact to begin the travel along the road to restoring fiscal responsibility in our federal government. I very much appreciate your leadership and thank you for your consideration.


Harold R. DeMoss, Jr.

HB 2457 – Compact for a Balanced Budget

Written Testimony for the Arizona State Legislature

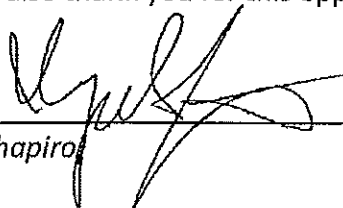
My name is Ilya Shapiro. I am a senior fellow in constitutional studies at the Cato Institute and the editor-in-chief of the *Cato Supreme Court Review*. I am also a member of Compact for America Educational Foundation's Council of Scholars. Before joining Cato, I was a special assistant/advisor to the Multi-National Force in Iraq on rule of law issues and practiced international, political, and commercial litigation. I have provided testimony to Congress and state legislatures and, as coordinator of Cato's amicus brief program, have filed more than 150 "friend of the court" briefs in the U.S. Supreme Court. I lecture regularly on a variety of constitutional issues on behalf of the Federalist Society and other groups, am a member of the Legal Studies Institute's board of visitors at The Fund for American Studies, was an inaugural Washington Fellow at the National Review Institute, and have been an adjunct professor at the George Washington University School of Law. Before entering private practice, I clerked for Judge E. Grady Jolly of the U.S. Court of Appeals for the Fifth Circuit. I hold an A.B. from Princeton University, an M.Sc. from the London School of Economics, and a J.D. from the University of Chicago Law School.

I am an ardent support of the compact approach to Article V constitutional change because this method of constitutional amendment makes the path to state-initiated constitutional reform quicker, easier and more legally certain. It allows states to agree in advance to everything they control in the amendment process in a single bill passed once by the state legislatures. It allows Congress to fulfill its entire role in the amendment process in a single resolution passed once. When time is of the essence and the country is in peril, this approach would allow constitutional change to occur within one legislative year. I know of no other approach to Article V that can do this with the certainty, efficiency and safety that is offered by the compact approach.

Above all, I believe the compact approach actual serves to minimize the risk of litigation, because only this method of constitutional amendment requires that state legislatures and Congress agree on all aspects of the process up-front. It is also important to me that the compact is able to address each and every one of the concerns that have been raised over the past 30 years by the Eagle Forum.

I have previously written about my support of the Balanced Budget Amendment that is the payload carried by the Compact for a Balanced Budget. Unlike the recent and continuous brinkmanship spurred by the statutory debt limit, the Compact for a Balance Budget is designed to force Washington to prepare a budget that makes the case for more debt long before the midnight hour arrives. It requires the president to start designating impoundments when spending exceeds 98% of the debt limit and then requires Congress to override those impoundments within 30 days with alternative cuts if it disagrees. By forcing both the executive and legislative branches to show their cards long in advance of the constitutional debt limit, this compact-turned-BBA would ensure that no game of chicken holds the country hostage. Because our debt problem is primarily a spending problem, the CBB would also require a two-thirds vote of both houses of Congress for any general tax increase. The proposed amendment would thereby ensure that any new tax burden assumed to pay down the debt would make our tax code flatter, fairer, and far more conducive to economic growth – which is the best way to prevent both debt spending and tax increases in the long run. The Compact for a Balanced Budget could permanently and structurally bridge future fiscal cliffs with a principled compromise that has been poll-tested to get at least 38 states on-board.

Thank you for giving this very important matter your attention. I also thank you for this opportunity to provide testimony to the committee.



Ilya Shapiro

HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature

My name is Byron Schlomach. I am the Director of State Policy at the 1889 Institute in Oklahoma City, Oklahoma and a member of Compact for America Educational Foundation's Council of Scholars. I was previously Director of the Center for Economic Prosperity at the Goldwater Institute in Phoenix, Arizona. After earning my bachelors and doctorate degrees at Texas A&M University, I entered public policy work at the Texas Legislature and then served as Chief Economist at the Texas Public Policy Foundation before coming to the Goldwater Institute. I have worked in public policy for 20 years. Much of the transparency movement originated with my efforts in Texas starting in the late 1990s. I was instrumental in the passage of a public/private partnership law for roads in Arizona, helped lead the way in resistance to establishing ObamaCare exchanges around the country, was instrumental in passage of a law to more easily privatize Arizona state parks, and have studied state budgets in both Arizona and Texas. Many of my recommendations for spending reductions in Arizona during the financial crisis were adopted.

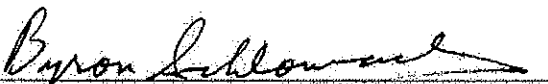
I have been a student of economics for over 30 years and a student of state policy as well as federal policy for nearly as long. The mounting debt of the federal government has long concerned me. Having seen how federal money is spent at the state level as well as the federal, it is not as if the nearly \$20 trillion debt was accumulated to win a war that threatened our existence. It was not accumulated in order to build roads, bridges, dams, and pipelines. The big spending has been in programs that have encouraged people to become dependent and irresponsible.

Ultimately, the mounting federal debt must end with the collapse of our nation's finances as debt has historically done in Argentina, Germany, Greece, and Spain, just to name a few. The only prop for us now is our currency's status as the world's reserve currency, but the still-growing debt and the eventual release of bank reserves will devalue the dollar and eventually cause its rejection as a reserve currency. When that happens, inflation in the U.S. will skyrocket and our economy will be sent reeling. Our only chance is to stop debt accumulation and allow economic growth to catch up with our money printing.

The founding fathers wisely rested ultimate responsibility for the nation in the collective action of state legislatures by allowing them to amend the Constitution. Congress and the President have demonstrated their inability to control the federal fiscal budgetary process. They are marching us to oblivion. State legislators are all that currently stand in their way. You are the cavalry that must ride in to save the day.

Even in the face of long odds, the Compact for a Balanced Budget provides a winning strategy for passage of a constitutional amendment that will impose discipline on the federal government. Some are frozen by fear and risk. But the risk of doing nothing is much greater. We have reached a threshold. Will future generations look back at this one and wonder, if we'd had the courage, would their lives be better? Or will they look back with wonder at our courage and foresight. State legislators, it is up to you!

Thank you for this opportunity to provide written testimony to the committee.


Byron Schlomach, Ph.D. (Economics)

HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature

My name is Sven Larson. I am an economist and a formerly a senior fellow with the Wyoming Liberty Group, a think tank in Cheyenne, Wyoming. I am also a member of the Compact for America Educational Foundation Council of Scholars. I received my BA in economics and philosophy from the University of Stockholm, Sweden and my PhD in Economics from Roskilde University in Denmark. My research is primarily focused on the role of government in the economy and on the effects of fiscal policy and deficits on government services. My most recent research contribution is a book wherein I present tangible reform ideas for key entitlement systems, including Social Security, welfare and health care, while taking into account the factors that contributed to the European crisis and their implications for the United States.

I accepted the invitation to join the Advisory Council for the Compact for America because of the urgency of our nation's debt crisis and because the amendment proposed by the Compact for a Balanced Budget provides the best path to a balanced budget of all proposals that I have studied.

Not too long ago our debt grew larger than our GDP. At that point, global investors started paying more attention to us. We saw this happen in several European countries: investors are worried, and worry-driven attention means investor bias. They start looking for reasons why we may default on our debt. As a consequence, the cost of our debt starts going up. We are already at a point where we pay higher interest rates on ten-year Treasury Bonds than some European countries.

As the Federal Reserve tapers off its quantitative easing, and interest rates continue to rise with our growing debt, Congress will have to divert more and more tax revenues to paying interest on our debt. This rapidly leads to challenging priority conflicts. It is not far-fetched that Congress, in a situation of fiscal panic, starts making drastic cuts to federal aid to states. This would perhaps temporarily ease the debt crisis at the federal level, but it would do so by transferring the crisis to the states. State legislators would be left with gaping holes in programs such as Medicaid, public education, welfare and transportation, and an obligation to find a way to fill them with new in-state revenue.

There are not many ways to prevent this fiscal-panic scenario from unfolding, but the balanced-budget amendment proposed by Compact for a Balanced Budget is a good example of how it can be done. It is, in fact, to the best of my scholarly judgment, the best balanced-budget amendment ever proposed - not because it immediately brings about a balanced budget - but because of its dynamic properties. Its strength lies in that it creates a pathway to that balanced budget, a pathway that is predictable, inevitable and transparent. The pathway allows us to close the federal budget gap without the risk of fiscal panic. It will not only change for the better how Congress manages taxpayers' money, but it will also send a strong signal to global investors that the United States is now serious about solving its debt problems.

I thank you for this opportunity to provide written testimony on behalf of the Compact for a Balanced Budget.



Sven R. Larson, Ph.D.

HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature

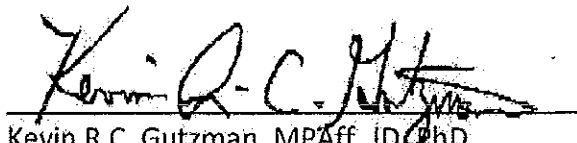
My name is Kevin Gutzman and I am Professor and Chairman of the Department of History at Western Connecticut State University. I am also a member of the Compact for America Educational Foundation Council of Scholars. I received my Master of Public Affairs from the Lyndon B. Johnson School of Public Affairs at the University of Texas, my Juris Doctor from the University of Texas School of Law, and my Master of Arts and Doctor of Philosophy in American history from the University of Virginia. My area of scholarly expertise is American constitutional and intellectual history. I have published scholarly articles in several of the leading history journals, two best-selling books in constitutional history, and two books on the American Revolution and Early Republic-most recently, James Madison and the Making of America.

I enthusiastically endorse the interstate compact approach to a balanced budget amendment. Not only is this endeavor a moral imperative, but it is entirely in keeping with the Founding Fathers' understanding of the way that American constitutionalism would work.

Presently, the Federal Government's debt tops \$19 trillion. More ominously, estimates of the Federal Government's unfunded obligations range between \$50 trillion and \$222 trillion. While I am more prone to accept the latter figure, I am certain that anything in this range represents coming calamity. Reasonable people on both sides of the aisle recognize the urgency of this issue. Still, Congress seems unable meaningfully to tackle, or even to consider, this problem. James Buchanan's Public Choice Theory, for which he won the Nobel Prize in Economics, tells us that without a change to the system, we can expect the system to continue to produce similar results. In short, if we want an end to the profligacy, we need to amend the Constitution. We need to rein in Congress. Experience has revealed a flaw in our constitutional system, precisely as the Founding Fathers expected it would, and that is why they thought amendment would occasionally be necessary.

Congressional failure to address its own misbehavior is precisely the problem with which George Mason intended to deal when he insisted In the Philadelphia Convention that Article V of the Constitution include a provision enabling the states to initiate the amendment process. An interstate compact is the best mechanism for the states to ensure that the convention they call will address and vote on precisely and only the measure the states have in mind for the convention to adopt. This is entirely In keeping with the explanation of the amendment process given by prominent Federalists during the ratification process in 1788.

In my judgment, passing this measure is a moral imperative. Thank you for hearing me.

A handwritten signature in black ink, appearing to read "Kevin R.C. Gutzman", written over a horizontal line.

Kevin R.C. Gutzman, MPAff, JD, PhD
Western Connecticut State University

McLaughlin & Associates

To: Chip DeMoss: Chairman/CEO – Compact for America

From: John McLaughlin

Re: National Survey – Executive Summary

Date: January 14, 2013

Survey Summary: Six in ten voters favor a balanced budget amendment and at least 70% favor Compact for America's specific and common sense proposals to rein in the federal deficit. These survey results demonstrate that Compact for America has the potential to obtain broad support.

- ✓ After being probed about the failed leadership in Washington and the fiscal instability of the United States, 62% favor a constitutional amendment to balance the federal budget annually, while 24 oppose. Intensity is strong among those who favor the amendment, 41% strongly favor to 21% somewhat favor.

President Obama and Congress have failed to provide leadership, which is causing gridlock and partisanship in Washington and has made it impossible to pass meaningful legislation to balance the federal budget. Currently, the United States is borrowing over 40 cents on every dollar it spends and the credit of the United States has been downgraded for the first time in history. Knowing all of this, would you favor or oppose a constitutional amendment that would require the President and Congress to operate the federal government under an annual balanced budget?

	TOTAL
Favor	62%
Strongly Favor	41%
Somewhat Favor	21%
Oppose	24%
Somewhat Oppose	9%
Strongly Oppose	15%
DK/Refused	13%

More specifically, please tell me if you would favor or oppose each of the following provision in a balanced budget amendment.

	Favor/Oppose
Requiring a roll call vote by each member of Congress when a tax increase is proposed.	81%/11%
Limiting the amount of money the federal government can borrow.	75%/20%
Prohibiting the federal government from spending more than it takes in each year.	72%/22%
Requiring the President to make the appropriate spending cuts to remain within the debt limit when Congress is unable to borrow more money or raise additional taxes.	72%/18%
Cutting spending FIRST before taxes are raised or additional money is borrowed if the federal government spends more than it takes in.	71%/21%

Methodology: This national survey of 1,000 likely general election voters was conducted on from June 10th – June 12th, 2012. All interviews were conducted via telephone by professional interviewers. Interview selection was random within predetermined geographic units. These units were structured to correlate with actual voter distributions in a nationwide general election. This national survey of 1,000 likely general election voters has an accuracy of +/- 3.1% at a 95% confidence interval.

DATE: May 25, 2015

TO: Nick Dranias and Chip DeMoss, Compact for America Educational Foundation, Inc.

FROM: Greg Brooks, West Third Group

RE: Alabama polling

FILE: CFA-AL

SUMMARY

There is broad, visceral support among Alabama voters, and particularly among self-identified Republican voters, for controlling runaway Washington debt. Overall support – before and after bringing up the potential for a runaway convention as well as before and after educating respondents about some of the specifics of the CFA approach – never drops below a solid majority even when margin of error is taken into account.

There are very few people who have no opinion on the overall issue or the specifics of it. Having said that, the prospect of a runaway convention could be the most effective weapon our opponents have. About half of all voters expressed some concern, with a similar level of Republicans feeling the same way. However, when we dig deeper into that concern, we find that less than 12% of Republicans are “extremely concerned” vs. 19% of the general population.

When told about provisions that would guarantee no other amendment would be brought up and that the amendment under consideration could not be changed, both voters overall and Republican voters in particular said they would support organizing such a convention (Q7) and have more confidence in the process (Q8). This support reveals majorities (and in the case of Republicans, very strong majorities) well beyond the margin of error.

Finally, When asked about a proposed constitutional amendment that had no realistic prospect of a runaway convention and featured elements contained in the CFA approach, respondents said they would support such a measure in numbers beyond the margin of error and, in the case of Republican voters, more than 85%.

OVERALL TAKEAWAYS

79% Moderately
or Extremely
Concerned
About The National Debt

78% Prefer Policies
Balancing The
Budget

74% Approve Of A
Constitutional
Amendment To
Balance The Federal Budget

68% Approve
Of Letting
The States
Have A Role In Deciding
Washington's Borrowing

73% Approve Of The
States Calling A
Convention To
Propose A Balanced Budget
Amendment

47% Are Moderately
or Extremely
Concerned
About A Runaway Convention
When The Topic Is First
Mentioned

BUT...

67% Approve Of A
Balanced Budget
Amendment
With The Compact For
America's Features

Results shown are based on polling 93 registered voters in Alabama, for a margin of error of 10% @ 95% confidence rate. While this isn't ideal, it generally does not affect the GOP crosstab because results were so unequivocal.

DATE: June 7, 2015

TO: Nick Dranias and Chip DeMoss, Compact for America Educational Foundation, Inc.

FROM: Greg Brooks, West Third Group

RE: Michigan polling

FILE: CFA-MI

SUMMARY

There is broad, visceral support among Michigan voters, and particularly among self-identified Republican voters, for controlling runaway Washington debt. Overall support — before and after bringing up the potential for a runaway convention as well as before and after educating respondents about some of the specifics of the CFA approach — never drops below a majority even when margin of error is taken into account.

There are very few people who have no opinion on the overall issue or the specifics of it. Having said that, the prospect of a runaway convention could be the most effective weapon our opponents have. About a third of all voters were Moderately or Extremely concerned, with a similar number of Republicans feeling the same way. However, when we dig deeper into that concern, we find only half as many Republicans are likely to be Extremely Concerned.

When told about provisions that would guarantee no other amendment would be brought up and that the amendment under consideration could not be changed, both voters overall and Republican voters in particular said they would support organizing such a convention (Q7) and have more confidence in the process (Q8). This support reveals a plurality of support and, in the case of Republicans, very strong majorities.

Finally, When asked about a proposed constitutional amendment that had no realistic prospect of a runaway convention and featured elements contained in the CFA approach, a majority of all respondents said they would support such a measure; in the case of Republican voters, the level of Moderate or Strong support was 75%.

As a final note: The sample for this poll skewed strongly female, and prior polling in other states reveals significantly stronger support for the Compact among men. It's likely that overall support within Michigan is somewhat under-represented in this survey.

Results shown are based on polling 221 registered voters in Michigan, for a margin of error of 6% @ 95% confidence rate.

OVERALL TAKEAWAYS

68% Moderately
or Extremely
Concerned
About The National Debt

77% Prefer Policies
Balancing The
Budget

64% Approve Of A
Constitutional
Amendment To
Balance The Federal Budget

67% Approve
Of Letting
The States
Have A Role In Deciding
Washington's Borrowing

58% Approve Of The
States Calling A
Convention To
Propose A Balanced Budget
Amendment

35% Are Moderately
or Extremely
Concerned
About A Runaway Convention
When The Topic Is First
Mentioned

BUT...

58% Approve Of A
Balanced Budget
Amendment
With The Compact For
America's Features

DATE: June 3, 2015

TO: Nick Dranias and Chip DeMoss, Compact for America Educational Foundation, Inc.

FROM: Greg Brooks, West Third Group

RE: North Carolina polling

FILE: CFA-NC

SUMMARY

There is broad, visceral support among North Carolina voters, and particularly among self-identified Republican voters, for controlling runaway Washington debt. Overall support — before and after bringing up the potential for a runaway convention as well as before and after educating respondents about some of the specifics of the CFA approach — never drops below a solid majority even when margin of error is taken into account.

There are very few people who have no opinion on the overall issue or the specifics of it. Having said that, the prospect of a runaway convention could be the most effective weapon our opponents have. About a third of all voters were Moderately or Extremely concerned, with 24% of Republicans feeling the same way. However, when we dig deeper into that concern, we find nearly identical levels of extreme concern across both groups.

When told about provisions that would guarantee no other amendment would be brought up and that the amendment under consideration could not be changed, both voters overall and Republican voters in particular said they would support organizing such a convention (Q7) and have more confidence in the process (Q8). This support reveals majorities (and in the case of Republicans, very strong majorities) beyond the margin of error.

Finally, When asked about a proposed constitutional amendment that had no realistic prospect of a runaway convention and featured elements contained in the CFA approach, about half of all respondents said they would support such a measure; in the case of Republican voters, the level of support was 80%.

As a final note: The sample for this poll skewed strongly female, and prior polling in other states reveals significantly stronger support for the Compact among men. It's likely that overall support within North Carolina is somewhat under-represented in this survey.

Results shown are based on polling 181 registered voters in North Carolina, for a margin of error of 7% @ 95% confidence rate. While this isn't ideal, it generally does not affect the GOP crosstab because results were so unequivocal.

OVERALL TAKEAWAYS

66% Moderately
or Extremely
Concerned
About The National Debt

77% Prefer Policies
Balancing The
Budget

69% Approve Of A
Constitutional
Amendment To
Balance The Federal Budget

69% Approve
Of Letting
The States
Have A Role In Deciding
Washington's Borrowing

60% Approve Of The
States Calling A
Convention To
Propose A Balanced Budget
Amendment

36% Are Moderately
or Extremely
Concerned
About A Runaway Convention
When The Topic Is First
Mentioned

BUT...

59% Approve Of A
Balanced Budget
Amendment
With The Compact For
America's Features

DATE: June 22, 2015

TO: Nick Dranias and Chip DeMoss, Compact for America Educational Foundation, Inc.

FROM: Greg Brooks, West Third Group

RE: Ohio polling

FILE: CFA-OH

SUMMARY

There is broad, visceral support among Ohio voters, and particularly among self-identified Republican voters, for controlling runaway Washington debt. Overall support — before and after bringing up the potential for a runaway convention as well as before and after educating respondents about some of the specifics of the CFA approach — never drops below a majority even when margin of error is taken into account.

There are very few people who have no opinion on the overall issue or the specifics of it. Having said that, the prospect of a runaway convention could be the most effective weapon our opponents have. Four out of 10 voters were Moderately or Extremely concerned, with a third of Republicans feeling the same way. However, when we dig deeper into that concern, we find significantly fewer Republicans are likely to be Extremely Concerned.

When told about provisions that would guarantee no other amendment would be brought up and that the amendment under consideration could not be changed, both voters overall and Republican voters in particular said they would support organizing such a convention (Q7) and have more confidence in the process (Q8). This support reveals a plurality of support and, in the case of Republicans, very strong majorities.

Finally, When asked about a proposed constitutional amendment that had no realistic prospect of a runaway convention and featured elements contained in the CFA approach, a majority of all respondents said they would support such a measure; in the case of Republican voters, the level of Moderate or Strong Approval was 78%.

As a final note: The sample for this poll skew Democrat compared to the state's overall electorate. Given the strong Republican crosstabs, it's likely that results shown for All Voters understate actual positive responses to the CFA approach.

Results shown are based on polling 332 registered voters in Ohio, for a margin of error of 5.4% @ 95% confidence rate.

OVERALL TAKEAWAYS

69% Moderately
or Extremely
Concerned
About The National Debt

77% Prefer Policies
Balancing The
Budget

65% Approve Of A
Constitutional
Amendment To
Balance The Federal Budget

60% Approve
Of Letting
The States
Have A Role In Deciding
Washington's Borrowing

63% Approve Of The
States Calling A
Convention To
Propose A Balanced Budget
Amendment

40% Are Moderately
or Extremely
Concerned
About A Runaway Convention
When The Topic Is First
Mentioned

BUT...

57% Approve Of A
Balanced Budget
Amendment
With The Compact For
America's Features

DATE: May 4, 2015

TO: Nick Dranias and Chip DeMoss, Compact for America Educational Foundation, Inc.

FROM: Greg Brooks, West Third Group

RE: Texas polling

FILE: CFA-TX

SUMMARY

There is broad, visceral support among Texas voters, and particularly among self-identified Republican voters, for controlling runaway Washington debt. Overall support – before and after bringing up the potential for a runaway convention as well as before and after educating respondents about some of the specifics of the CFA approach – never drops below a solid majority even when margin of error is taken into account.

There are very few people who have no opinion on the overall issue or the specifics of it – all but two questions in the poll utilized a Likert scale, and the middle of that scale – “neither oppose nor support” or “neither approve nor disapprove” – was either the lowest response category or, on some questions where there was very strong support, the no-opinion option matched totals for those opposing/disapproving.

Having said that, the prospect of a runaway convention could be the most effective weapon our opponents have. About half of all voters expressed some concern, with a similar level of Republicans feeling the same way. However, when we dig deeper into that concern, we find that less than 4% of Republicans are “very concerned” vs. 12% of the general population.

When told about provisions that would guarantee no other amendment would be brought up and that the amendment under consideration could not be changed, both voters overall and Republican voters in particular said they would support organizing such a convention (Q7) and have more confidence in the process (Q8). This support reveals majorities (and in the case of Republicans, very strong majorities) well beyond the margin of error.

Finally, When asked about a proposed constitutional amendment that had no realistic prospect of a runaway convention and featured elements contained in the CFA approach, respondents said they would support such a measure in numbers well beyond the margin of error and, in the case of Republican voters, more than 90%.

OVERALL TAKEAWAYS

88% Concerned About The National Debt

82% Prefer Policies Balancing The Budget

80% Approve Of A Constitutional Amendment To Balance The Federal Budget

71% Approve Of Letting The States Have A Role In Deciding Washington's Borrowing

72% Approve Of The States Calling A Convention To Propose A Balanced Budget Amendment

50% Have Some Concern About A Runaway Convention When The Topic Is First Mentioned

BUT...

68% Approve Of A Balanced Budget .Amendment With The Compact For America's Features

HB 2457 – Compact for a Balanced Budget
Written Testimony for the Arizona State Legislature

February 1, 2016
Scottsdale, AZ

Arizona State Legislators
Phoenix, Arizona

Dear State Legislators:

I am writing to ask your support for positive action on HB2457, the interstate compact for a balanced federal budget.

Congress has shown no sign that it can control spending. On the contrary, even with a GOP majority in both chambers, spending and borrowing is growing faster and faster, seemingly without limit.

The ballot box alone has proven ineffective in getting Washington's behavior to change. Our soaring debt virtually guarantees a national fiscal collapse at some point, and the fallout will be worldwide.

Frankly, you – our state legislators – are our last best hope. A balanced budget amendment, like that proposed by Compact for America, would be a powerful intervention to block Washington's spending addiction.

The CompactForAmerica.org initiative complements other Article V initiatives like Convention OfStates.com. At this stage, multiple approaches are better than trying to pick just one, so I urge your support for both CFA- and COS-based resolutions and legislation.

CFA in particular tackles the most difficult of all the proposed amendments – a balanced budget, with adequate provisions for graceful transitions and national emergencies. Nick Dranias, well known to our legislature, has capably led the CFA initiative and can answer any questions about it you may have.

Opposition to the HB2457 typically expresses fears of a 'runaway' amendments convention. But that risk is virtually zero when compared to the nearly 100% probability of a cataclysmic financial collapse if the runaway debt is not addressed. That makes this an easy choice.

Arizonans and all Americans are counting on you. Please support HB2457!

Regards,



David G. Leeper, PhD
Santos District PC, LD23
Scottsdale, AZ 85260
david@leeper.com

Hon. Legislators, Committee on Federalism and States' Rights

I am writing to you in support of the Balanced Budget Compact. I am offering my position based on my judgment and experience as a citizen, registered voter in Arizona, and patriot; and as former CEO of ABX Air, Inc., dba Airborne Express, previously the third largest package express carrier in the United States and now founder and CEO of Inde Motorsports Ranch, one of five private membership race tracks in America which is located in Arizona. The Balanced Budget Compact is an existing agreement among the states (Alaska, Georgia, Mississippi and North Dakota) to advance and ratify a federal Balanced Budget Amendment in a legally binding agreement among the states—called a “compact”—under the authority of Article V of the United States Constitution. The Compact’s federal Balanced Budget Amendment effort is activated by a single congressional resolution, which is now pending in Congress as House Concurrent Resolution 26 (HCR 26) and co-sponsored by most of the Arizona congressional delegation.

Here’s why you should support the Balanced Budget Compact:

- The federal Balanced Budget Amendment advanced by the Balanced Budget Compact and HCR26 would put our nation on a glide path to balanced budgets by establishing a constitutional debt limit, giving state legislatures oversight authority with regard to any debt limit increase, and by encouraging spending reductions over tax increases to close deficits.
- The effort has been endorsed by George Will, Grover Norquist, Judge Andrew Napolitano, and Lt. Col. Allen B. West, among others, and has been vetted by more than 20 national and state-based think tanks.
- Polling data show supermajority support for the effort with minimal opposition.
- Without leadership from the State of Arizona and its sister states on the Balanced Budget Compact, Congress will never stop borrowing from future generations who have no voice in our political system.

Sincerely,

Graham Dorland

Graham Dorland

Address: 7933 North Pima Village Court, Tucson, AZ 85718

Phone number: 520-797-1760

Compact for America Action

Recipient: New Hampshire Governor, Maine Governor, Ohio Governor, Virginia Governor, Nebraska Governor, Michigan Governor, Iowa Governor, Arkansas Governor, North Carolina Governor, Montana Governor, Nevada Governor, South Dakota Governor, West Virginia Governor, Louisiana Governor, Texas Governor, Pennsylvania Governor, Kansas Governor, Wisconsin Governor, Florida Governor, New Mexico Governor, Arizona Governor, Missouri Governor, Idaho Governor, Kentucky Governor, Tennessee Governor, Oklahoma Governor, Nevada State Senate, South Carolina State House, Oklahoma State House, Oklahoma State Senate, Idaho State House, Idaho State Senate, Kentucky State Senate, Missouri State House, Missouri State Senate, Kentucky State House, Arizona State House, Arizona State Senate, Tennessee State Senate, New Mexico State House, New Mexico State Senate, Kansas State House, Tennessee State House, Wisconsin State Senate, Kansas State Senate, Pennsylvania State House, Pennsylvania State Senate, Wisconsin State House, Texas State House, Texas State Senate, Alabama State Senate, Louisiana State House, Louisiana State Senate, Alabama State House, West Virginia State House, West Virginia State Senate, Florida State Senate, South Dakota State Senate, South Dakota State House, Florida State House, Nevada State House, South Carolina State Senate, U.S. Senate, Montana State House, Montana State Senate, U.S. House of Representatives, Arkansas State House, Arkansas State Senate, North Carolina State Senate, Iowa State House, Iowa State Senate, North Carolina State House, Michigan State House, Virginia State House, Virginia State Senate, Michigan State Senate, Maine State Senate, Maine State House, Ohio State Senate, New Hampshire State House, New Hampshire State Senate, and Ohio State House

Letter: Greetings,

Fix the National Debt by Passing the Compact for a Balanced Budget!

The number one threat to America is excessive debt—to be specific, our nearly \$19 trillion national debt. The best response is for your state to join the Compact for a Balanced Budget! Legislation is or soon will be pending in your state.

Why do I believe our national debt is the greatest threat to our nation?

Because I read the news.

Our elected officials in Washington, D.C., are continuing to journey down the same

path that has left Greece and Puerto Rico in bankruptcy.

Our federal government has borrowed nearly \$19 trillion to keep pace with spending demands and at least another \$70 trillion is owed for future entitlements such as Social Security and Medicare.

Our national debt now equals 101 percent of our Gross Domestic Product--more than what we produce in goods and services in a year. Interest on that debt costs about 7 percent of annual federal spending -- more than Washington spends on the Departments of Transportation and Education combined. Yet, the borrowing continues.

Champions of fiscal responsibility must impose fiscal restraint on Washington before it is too late.

How? By joining the Compact for a Balanced Budget to create a convention of the states for the specific purpose of amending the Constitution to limit how much the federal government can borrow from our kids. If 38 state legislatures vote to join the Compact for a Balanced Budget, that would put us on a direct path to a federal Balanced Budget Amendment before April 12, 2021. You can learn more about the Compact for America initiative to pass the Compact for a Balanced Budget at www.CompactforAmerica.org, www.CompactforAmerica-Action.org and www.BalancedBudgetCompact.org.

This is not a radical concept: 49 states are required to balance their annual budgets by state constitutions or laws. As a result, states have far more fiscal discipline and far fewer unsustainable financial liabilities than the federal government. If states can live within their means, so can Washington.

Please support legislation for your State to join the Compact for a Balanced Budget!

Just like a household, there are limits to how much a nation can go into debt. We owe it to ourselves and our children to ensure America's greatness is passed along and not sapped by reckless behavior.

Signatures

Name	Location	Date
Nick Dranias	Phoenix, AZ, United States	2015-08-15
Senator Curtis Olafson	Edinburg, ND, United States	2015-08-15
Jon-David Jorgensen	New York, NY, United States	2015-08-15
Jim Flaughner	Marengo, OH, United States	2015-08-15
Le Templar	Phoenix, AZ, United States	2015-08-15
Lea Strickland	Cary, NC, United States	2015-08-15
Tom Horne	Phoenix, AZ, United States	2015-08-15
Theodore Abram	Klamath Falls, OR, United States	2015-08-15
F. Jon Howard	Tucson, AZ, United States	2015-08-15
Robert Hannay	Paradise Valley, AZ, United States	2015-08-15
Charles Heller	Tucson, AZ, United States	2015-08-15
Dezri Dean	Hoodspport, WA, United States	2015-08-15
David Odgers	Stanford, CA, United States	2015-08-16
Janet Decker	Wickes, AR, United States	2015-08-16
D. Dwight Gordon	Great Falls, VA, United States	2015-08-16
John Morris	Tempe, AZ, United States	2015-08-16
Yasiu Kruszynski	Chicago, IL, United States	2015-08-16
Lewis Moore	Arcadia, OK, United States	2015-08-16
Pam Boland	Grovetown, GA, United States	2015-08-16
Steve Thomas	Northville, MI, United States	2015-08-16
Donna Wetter	Klamath Falls, OR, United States	2015-08-16
Walter McLaughlin	North Billerica, MA, United States	2015-08-16
Terri Dewell	Terryville, CT, United States	2015-08-16
kathye t	Las Vegas, NV, United States	2015-08-16
Scot Becker	Billings, MT, United States	2015-08-16
Wes Harris	Phoenix, AZ, United States	2015-08-16
Concerned Citizen	New City, NY, United States	2015-08-16
Lawrence Reed	Newnan, GA, United States	2015-08-16
jeffrey Utsch	Tucson, AZ, United States	2015-08-16
Geoff Hersch	Snohomish, WA, United States	2015-08-16

Name	Location	Date
Neil Silver	Troy, MI, United States	2015-08-16
scott o'connor	Paradise Valley, AZ, United States	2015-08-16
Edward Treick	Tucson, AZ, United States	2015-08-16
dale kasl	payson, AZ, United States	2015-08-16
Jacquelyn Groch	Tucson, AZ, United States	2015-08-16
Ralph Heins	Tempe, AZ, United States	2015-08-16
Monaco Monaco	Scottsdale, AZ, United States	2015-08-16
Ann Ubelis	Beaufort, SC, United States	2015-08-16
Nicole DeJulia-Dranias	Phoenix, AZ, United States	2015-08-16
Michael Alexander	Pine, AZ, United States	2015-08-16
Arthur Orr	Decatur, AL, United States	2015-08-16
Bob Skarphol	Tioga, ND, United States	2015-08-16
Larry Stutts	Tuscumbia, AL, United States	2015-08-16
James White	Hillister, TX, United States	2015-08-16
Nancy Collins	Tupelo, MS, United States	2015-08-16
Sonny Borrelli	Lake Havasu City, AZ, United States	2015-08-16
Robert O'Brien	Chicago, IL, United States	2015-08-16
Betsy Speicher	Westlake Village, CA, United States	2015-08-16
Elisa Montealegre	Herndon, VA, United States	2015-08-16
Adam Weber	Hood River, OR, United States	2015-08-16
Denise Jensen	Chippewa Falls, WI, United States	2015-08-16
Anna Gaines	Phoenix, AZ, United States	2015-08-16
charlie chew	Surprise, AZ, United States	2015-08-16
Lonnie Laffen	Grand Forks, ND, United States	2015-08-16
Charles Younger	Columbus, MS, United States	2015-08-16
Lawrence Klemin	Bismarck, ND, United States	2015-08-16
Haydee Dawson	Mesa, AZ, United States	2015-08-16
Phyllis Bell	Mena, AR, United States	2015-08-16
Bethany sheller	Noblesville, IN, United States	2015-08-16
Suzanne Gammage	Phoenix, AZ, United States	2015-08-17
Sven Larson	Cheyenne, WY, United States	2015-08-17
Yvette Herrell	Alamogordo, NM, United States	2015-08-17

Name	Location	Date
Richard Widen	Bentonville, AR, United States	2015-08-17
Eric Barlow	Gillette, WY, United States	2015-08-17
Sandra Wiatrowski	High Springs, FL, United States	2015-08-17
Joshua Whitson	Iuka, MS, United States	2015-08-17
Dean Clancy	Annandale, VA, United States	2015-08-17
Kyle McAlister	Kingsland, TX, United States	2015-08-17
paul allen	Enid, OK, United States	2015-08-17
Daniel Fortune	Manteca, CA, United States	2015-08-17
Karen Fortune	Manteca, CA, United States	2015-08-17
Jake Jacobs	Appleton, WI, United States	2015-08-17
fred kelly grant	Nampa, ID, United States	2015-08-17
Heins Heins	Tempe, AZ, United States	2015-08-17
Gladys casado	Bronx, NY, United States	2015-08-17
Scott Tillman	Waterford, MI, United States	2015-08-17
carl nevala	Tempe, AZ, United States	2015-08-17
Peter Knickerbocker	King George, VA, United States	2015-08-17
John Hunnicutt	Tucson, AZ, United States	2015-08-17
Marvin Minton	Marana, AZ, United States	2015-08-17
Thomas Wood	Chandler, AZ, United States	2015-08-17
Diana Wood	Tucson, AZ, United States	2015-08-17
John Spitler	Tucson, AZ, United States	2015-08-17
Robert George	Mohave Valley, AZ, United States	2015-08-17
Andrew Rodney	West Bloomfield Township, MI, United States	2015-08-18
Abigail Pabst	Australia	2015-08-18
Rodney Lockwood Lockwood	Southfield, MI, United States	2015-08-18
Erick Brimen	Clarksville, MD, United States	2015-08-18
George Leef	Raleigh, NC, United States	2015-08-18
Lori Saine	Longmont, CO, United States	2015-08-18
Stephen T. Colombo	Scottsdale, AZ, United States	2015-08-18
Adam Thomas	Ferndale, MI, United States	2015-08-19
Fawn Eyben	Langley BC, Canada	2015-08-19
William Manuel	Kenai, AK, United States	2015-08-23

Name	Location	Date
Lenora Ensor	Knoxville, TN, United States	2015-08-23
Janet McDonald	Flagler Beach, FL, United States	2015-08-23
Gilbert Shumway	Holland, OH, United States	2015-08-23
William Nesbitt	Wilmington, NC, United States	2015-08-24
Caleb Williams	Oklahoma City, OK, United States	2015-08-24
Larry Glackin	Richland, MO, United States	2015-08-24
rosey rodriguez	Norristown, PA, United States	2015-08-24
Keith McDaniel	Des Moines, IA, United States	2015-08-24
Charles Perriello	Brooklyn, NY, United States	2015-08-27
Dante Bayona	Queens, NY, United States	2015-08-28
Carrie Eiler	Aliso Viejo, CA, United States	2015-08-28
Stephanie Baerg	Aliso Viejo, CA, United States	2015-08-28
Cathy Harris	Virginia Beach, VA, United States	2015-08-31
Conred Ammons	Southlake, TX, United States	2015-09-12
Greg Buckler	Huntington Beach, CA, United States	2015-09-12
john spray	Tennessee Colony, TX, United States	2015-09-16
Andrea Garza	Rockwall, TX, United States	2015-09-22
Stephen Pendarvis	Chunchula, AL, United States	2015-10-11
Adam Jacobs	Indianapolis, IN, United States	2015-10-14
Jerry Adkins	Kansas City, MO, United States	2015-11-13
Jon Gabriel	Mesa, AZ, United States	2016-01-29
Kenneth Moyes	Tucson, AZ, United States	2016-01-29
Gwen Truax	Anchorage, AK, United States	2016-01-29
Martin Buchanan	Denver, CO, United States	2016-01-30
Amy Lidster	Chandler, AZ, United States	2016-01-30
David Gell	LaGrange, GA, United States	2016-01-30
Don Ohannes	Chicago, IL, United States	2016-01-30
Shannon Swart	Saratoga Springs, NY, United States	2016-01-30
Richard Quintano	Fort Wayne, IN, United States	2016-01-30
Arlene Pearson	Commerce Charter Township, MI, United States	2016-01-30
Francine Romesburg	Glendale, AZ, United States	2016-01-30

Name	Location	Date
Michael James	Sierra Vista, AZ, United States	2016-01-30
john passerella	Tucson, AZ, United States	2016-01-30
Elaine Vechorik	Sturgis, MS, United States	2016-01-30
Andrew Rodney	West Bloomfield Township, MI, United States	2016-01-30
Eric crown	Tempe, AZ, United States	2016-01-30
Lawrence Hudson	Tempe, AZ, United States	2016-01-30
Vicki Smith	Tucson, AZ, United States	2016-01-30
Bruce Wilson	LaFollette, TN, United States	2016-01-30
Scott Allen	Tucson, AZ, United States	2016-01-30
Mark Dranias	Phoenix, AZ, United States	2016-01-31
Kristine Trainor	Prescott, AZ, United States	2016-01-31
David Leeper	Scottsdale, AZ, United States	2016-01-31
Andrew Kroll	Grand Rapids, MI, United States	2016-01-31
Wilson D. Leggett, III	Tucson, AZ, United States	2016-02-01
Connie Lang	Glencoe, MN, United States	2016-02-01
Devin Schwartz	Sturgis, MI, United States	2016-02-01
Stephen DuVal	Austin, TX, United States	2016-02-01
Charles L Moran III	Brighton, MI, United States	2016-02-01
Mark Russell	Tucson, AZ, United States	2016-02-01
Daniel Miller	Plano, TX, United States	2016-02-01

WORKING TOGETHER TO REWRITE THE CONSTITUTION



The deceptive Left-Right coalition to rewrite the Constitution by means of an Article V convention threatens our personal rights and freedoms.

by Christian Gomez

"Perhaps ... it is time to rewrite our Constitution."

— Lawrence Lessig, 1993

Despite war, social upheaval, demographic shifts, and economic ups and downs, the U.S. Constitution has endured for more than two centuries, securing the blessings of liberty for

Americans. Now, however, a new threat emerges that seeks to radically alter the Constitution under the guise of amending it. Those seeking radical change to the Constitution look to co-opt it by invoking an Article V "convention for proposing amendments," otherwise known as a constitutional convention.

Given out-of-control spending by Congress and a national debt of \$17.5 trillion — and another estimated \$129 trillion in

unfunded liabilities — many Americans, especially conservatives, believe that adding a balanced budget amendment to the Constitution would restrain federal spending. Having little confidence in the ability of Congress to correct these financial woes, advocates for a balanced budget amendment (BBA) have once more turned their efforts to what the states can do, specifically the Article V convention process.

However, conservatives seeking a con-



A Republic,
If You Can Keep It

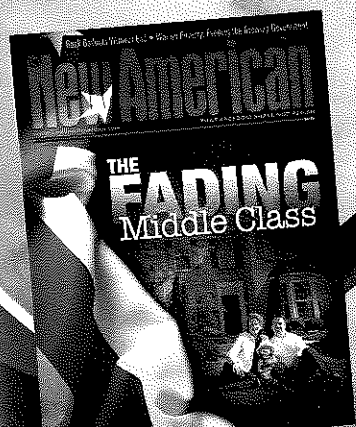
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stitutional convention to propose a BBA would be surprised to learn that others, including extreme leftists, also want a convention to advance their own agendas, proposing radical changes with which conservatives would vigorously disagree. Leading convention advocates from both the Left and Right are actually working *together* to bring about a constitutional convention, even as key advocates on the Left publicly call for a “runaway” convention in order to make multiple and far-reaching changes to the Constitution.

Amending the Constitution

Article V is a one-paragraph article in the Constitution that includes two methods for proposing amendments. The first and only method used so far empowers Congress to propose an amendment “when- ever two thirds of the both houses shall deem it necessary.”

The second method for proposing amendments, which has never been employed since the original Constitutional Convention of 1787, is through a constitutional convention called by Congress “on the application of the legislatures of two thirds of the several states.” Once the applications from 34 states are received, Congress is constitutionally bound to “call a convention for proposing amendments.”

Article V also outlines two modes of ratification. The amendments proposed, either by Congress or at a constitutional convention, can only become part of the Constitution once they have been “ratified

Another of Stevens’ proposals in *Six Amendments* is to change the Second Amendment to read: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms *when serving in the militia* shall not be infringed.” (Emphasis added.)

by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.”

Back to the Future

Well-meaning conservatives who advocate for a constitutional convention fail to recognize that once Congress convenes a convention it cannot be undone and no predetermined rules or limitations, adopted by either Congress or the states, will have any bearing on what the convention delegates may choose to do or propose. As the representatives of the sovereign will of the people-at-large in each state, convention delegates would have free latitude to propose any changes they see fit, including the writing of an entirely new constitution, along with changes to the mode of ratification, so as to guarantee the adoption of their amendments. This scenario is known as a “runaway” convention, and it is not without historical precedent.

The Continental Congress originally tasked the delegates assembled at the

Philadelphia Constitutional Convention of 1787 with “the sole and express purpose of revising the Articles of Confederation.” At the time, the Articles of Confederation (AOC) was the law of the land. Article XIII of the Articles of Confederation specifically stipulated that “any alterations” made to them must be unanimously “confirmed by the legislatures of *every* State.” (Emphasis added.)

Both of these mandates were clearly exceeded. The delegates chose to replace the Articles with an entirely new federal constitution. They also altered the mode of ratification from being “confirmed by the legislatures of every State,” in Article XIII of the AOC, to “the legislatures of *three fourths* of the several states, or by conventions in *three fourths* thereof,” in Article V of the new Constitution. (Emphasis added.)

On September 13, 1788, with only 11 of the 13 states having ratified the new Constitution, the Continental Congress passed a resolution declaring that it “had been ratified.” North Carolina and Rhode Island had not yet ratified and would not do so until nearly a year and a half later. On May 29, 1790, Rhode Island became the 13th and final state to ratify the Constitution. The new Constitution replacing the AOC was adopted before being “confirmed by the legislatures of every State,” as Article XIII required. With such precedent, who can say it will not happen again?

The miracle at Philadelphia, which produced one of the greatest documents in human history, restraining the power of the federal government by granting it only a certain few and well-defined powers, would not happen today, given the modern age of mass media and popular democracy. A new federal constitutional convention would include delegates from both the Left and the Right, many of whom would propose far-reaching changes to the Constitution, thereby threatening our constitutionally secured rights.



Call a Convention

Founded in 2013, Call a Convention is an organization whose stated purpose is to reform Washington, "striking at the root of increasingly troubling issues which have plagued our federal government for decades" by way of an "Article V Amendments Convention." Call a Convention devotes its efforts to getting groups on both the Right and Left to work together in order to convince state legislatures to petition Congress to call a convention.

Point one of Call a Convention's strategy calls for the creation of a "non-partisan collaboration with other Article V and Amendments groups." Under the "About" menu item on the Call a Convention website, there is an "Article V Advocates" webpage with the headline "The Article V Movement — Right and Left Working Together for Real Reform" (see graphic on this page). Under the headline we are told: "We are organizations and individuals from both the right and the left who recognize that Washington is broken and will not reform itself.... [We] must call a Convention, and move forward on our common ground for the good of the nation."

Below this explanation is a list of various conservative "Article V Movement" groups, such as Mark Meckler and Michael Farris' Convention of States (COS), Article V Caucus (of state legislators), American Legislative Exchange Council (ALEC), Balanced Budget Amendment Task Force, and Compact for America. Listed along with these conservative groups are progressive liberal organizations, such as Convention USA, Amend America, ArticleV.org ("the Inter-Occupy Article V Work Group"), Call a Convention, and Wolf-PAC. Although most of these groups claim to favor only a "limited" convention to propose one

Levinson contends that "the Constitution is both insufficiently democratic, ... and significantly dysfunctional." Levinson writes, "We should no longer express our blind devotion to it."

The Article V Movement page (above) on the "Call a Convention" website boasts the names of various pro-Article V convention groups and individuals from both the Right and Left that are "Working Together for Real Reform."

amendment or a few limited amendments, they are nevertheless listed on the Call a Convention website as members of a movement whose goal is "a truly open and constructive" Article V convention.

The faces behind Call a Convention are Lawrence Lessig, its founder; Jeff McLean, the executive director; and Shelby Williams, who serves as the director. Before becoming executive director of Call a Convention, Jeff McLean served as vice-president of Americans United to Rebuild Democracy, which

is a nonprofit organization that describes itself as "an alliance between Conservatives and Progressives for fundamental election reforms including a clean elections system, congressional term limits and a ban on the practice of Gerrymandering."

Leading the pack is Lawrence Lessig, who founded Call a Convention in August 2013. Lessig holds the title of Roy L. Furman Professor of Law and Leadership at Harvard Law School, and has previously taught law at the University of Chicago and Stanford Law School. Lessig served as an advisor on Barack Obama's 2008 presidential campaign, and his name was even rumored as a possible Supreme Court justice nominee should Obama win the election. Lessig's name also appeared on the 2013 guest list for the Bilderberg Conference, where establishment bigwigs from Europe and North America met to discuss various topics, including U.S. foreign policy, the EU, the promises and impacts of online education, and nationalism and populism.

Lessig emerged on the national scene following the Supreme Court's 2010 ruling in *Citizens United v. Federal Election Commission*, which allowed corporations, specifically incorporated 501(c)(4) public advocacy groups, and trade associations to make financial contributions to electoral races. Since then, Lessig and left-wing Article V groups, such as Move to Amend and Wolf-PAC, have taken the lead in seeking to overturn the court's decision by pushing for a campaign finance amendment to the Constitution that would bar all private money from political races and require elections to be publicly financed.

Another page on Call a Convention's website lists the various "Amendments" they support: a Balanced Budget Amendment, a Campaign Finance Amendment, a National Debt Relief Amendment, Term Limits for Congress, and Term Limits for Supreme Court Justices. However, since Call a Convention's goal is "a truly open and constructive" convention, the listing of

these amendments is likely only a means toward their ultimate objective of proposing radical rewrites to the Constitution.

In his 2011 book, *Republic, Lost: How Money Corrupts Congress — and a Plan to Stop It*, Lessig discussed the adverse implications to “democracy” from the Supreme Court’s ruling in the *Citizens United* case. Unsurprisingly, Chapter 20 of the book outlined a constitutional convention as the necessary solution. On page 293, Lessig stressed the need for a convention on the basis of the fundamentally transformative changes that only a constitutional convention could bring about: “Even though it has never happened, however, a constitutional convention is the one final plausible strategy for forcing fundamental reform onto our Congress.” (Emphasis added.) On the same page, Lessig continued to make his desire for a broad constitutional convention clear when he explained that going through Congress to propose amendments would fall short of resulting in the type of “fundamental reform” only achievable through a convention:

It’s going to be easier to organize movements within the states to demand *fundamental reform* than it will be to organize Congress to vote for any particular amendment to the

Constitution to effect that reform. And more important, it’s going to be much easier to get a conversation about *fundamental reform* going in the context of a call for a convention than it will be through any other plausible political means. The reason is an *important strategic opportunity that a call for a convention would offer* and that a demand for an amendment would not: *different souls with different objectives could agree on the need for a convention without agreeing on the particular proposals that a convention should recommend*. Some might want term limits. Some might want to abolish the Electoral College, or ban political gerrymandering. And some might want to demand a system for funding elections that restores integrity and independence to Congress (me!).

All of these different souls could agree at least on the need to *create the platform upon which their different ideas could be debated*. The platform is the convention. [Emphasis added.]

Call a Convention’s founder places greater emphasis and importance on the “platform” than on any particular amendments.

The five amendments listed on Call a Convention’s website are merely a catalyst of the “different ideas” necessary to convince both the Right and the Left to come together in support of a convention, whose true purpose is to debate and propose fundamental changes to the Constitution.

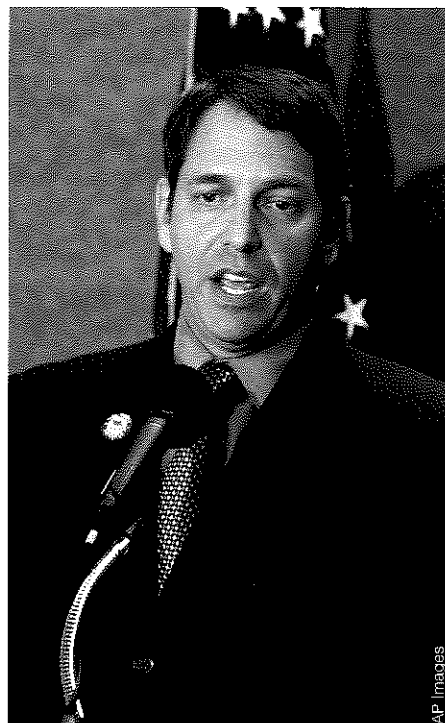
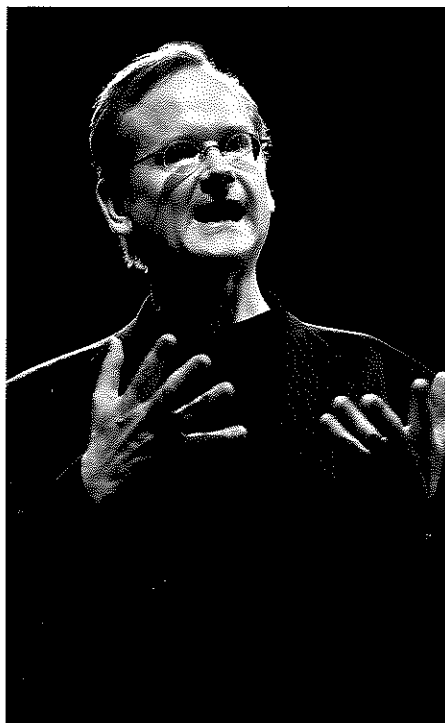
Co-opting the Right

Since the mid 1970s, conservative attempts at a constitutional convention have been primarily focused on adding a balanced budget amendment to the Constitution. One of the groups pushing hard for a BBA via an Article V convention today is Compact for America. The Compact for America (CFA) is a 501(c)(3) nonprofit organization with an ambitious plan that calls for the creation of an interstate compact, made up of 38 states (the minimum required number of states to ratify an amendment to the Constitution), to petition Congress to call an Article V convention for proposing a balanced budget amendment, which would also be “pre-drafted” and “pre-ratified” within the 38 states’ initial applications.

CFA’s plan calls for designating the governor of each state to serve as his or her state’s official delegate to the convention. The CFA is the brainchild of Nick Dranias, the director of policy and constitutional government for the Goldwater Institute. Among those on CFA’s advisory council is Lawrence Lessig.

Another organization listed on Call a Convention’s “Article V Movement” page is Convention of States (COS), which is a project of Mark Meckler’s Citizens for Self-Governance (CSG). Convention of States encourages state legislatures to introduce and pass resolutions applying to Congress to call a convention of the states in order to propose “amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials.”

Left and Right working together to rewrite the Constitution: On September 24-25, 2011, Lawrence Lessig (left) and Mark Meckler cohosted the Harvard Conference on the Constitutional Convention, which was intended to bring both the Left and Right together to work toward a constitutional convention.



AP Images

Before establishing Citizens for Self-Governance in 2012, Mark Meckler was the co-founder and national coordinator for Tea Party Patriots. In 2011, both Meckler and Lessig attended the Conference on the Constitutional Convention (ConConCon), held at Harvard University September 24-25, 2011. Meckler cohosted the event with Lessig, which, like Call a Convention, intended to bring both the Right and Left together to work toward a new constitutional convention. Also in attendance at the Harvard ConConCon was Nick Dranias of CFA.

As recently as March 21, 2014, both Lessig and Meckler spoke at the same event, this time at the Citizen University's (motto: "Let's Do Democracy") Annual National Conference in Seattle; Lessig's topic was "How to Start a Rebellion," featuring "bottom up change and passionate cross-partisan political rejuvenation." Lessig's connection with CFA and Mark Meckler is not so much an endorsement for a BBA or limited government as it is an opportunity for Lessig to work alongside conservatives toward the common goal of a constitutional convention. The Right is being used to help facilitate the aspiration of Lessig and others for a convention to make far-reaching changes to the Constitution.

Working With the Left

Following the Supreme Court's decision in the *Citizens United* case, the Left made campaign finance reform the rallying cry for their efforts to amend the Constitution. Cenk Uygur, the host and producer of *The Young Turks*, has been a strong supporter for campaign finance reform following the court's ruling. Uygur also attended the Harvard ConConCon, where he became convinced that the only recourse for campaign finance reform is an Article V constitutional convention.

In November 2011, Uygur founded Wolf-PAC with the stated aim to "restore true, representative democracy in the United States by pressuring our State Representatives to pass a much needed 28th Amendment to our Constitution which would end corporate personhood and publicly finance all elections in our country." The text of Wolf-PAC's proposed "28th Amendment" reads:

Corporations are not people. They have none of the Constitutional rights of human beings. Corporations are not allowed to give money to any politician directly or indirectly. No politician can raise over \$100 from any person or entity. All elections must be publicly financed.

Since Wolf-PAC's creation, both Uygur and Lessig have toured the country making appearances together encouraging people and state legislators to support and pass Article V applications for a convention to propose this "28th Amendment." Lessig and Uygur are not the only notable personalities on the Left who would welcome an Article V convention to overturn the Supreme Court's *Citizens United* ruling.

In his newest book, *Six Amendments: How and Why We Should Change the Constitution* (2014), former Supreme Court Associate Justice John Paul Stevens, who wrote the dissenting opinion in the Supreme Court's *Citizens United* case, proposes adding the following 43 words to amend the First Amendment of the Constitution:

Neither the First Amendment nor any other provision of this Constitution shall be construed to prohibit the Congress or any state from imposing reasonable limits on the amount of money that candidates for public office, or their supporters, may spend in election campaigns.

Another of Stevens' proposals in *Six Amendments* is to change the Second Amendment to read: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms *when serving in the militia* shall not be infringed." (Emphasis added.) The addition of these five words essentially allows for the criminalization and disarming of homeowners and law-abiding citizens.

Justice Stevens is not alone in seeking to alter the Second Amendment. Also in attendance at the Harvard ConConCon was then-Texas Wesleyan Law School Professor Mary Penrose, who currently teaches at Texas A&M University School of Law. Speaking at the 2013 UConn School of Law Second Amendment Symposium, Penrose said gun violence required "drastic measures" and affirmed that "there is not a single amendment that is absolute ... no constitutional right is sacred." She continued, "It's time today, in our drastic measures, to repeal and replace that Second Amendment." Halfway through her talk she stated, "I'm in favor of redrafting the entire Constitution."



Left-wing Article V convention proponent: Cenk Uygur (left), the host and producer of *The Young Turks*, founded Wolf-PAC to overturn the 2010 Supreme Court's *Citizens United* decision by way of an Article V constitutional convention. So far this year, 14 state legislatures have introduced Wolf-PAC resolutions. Vermont became the first state to approve a Wolf-PAC resolution in May.

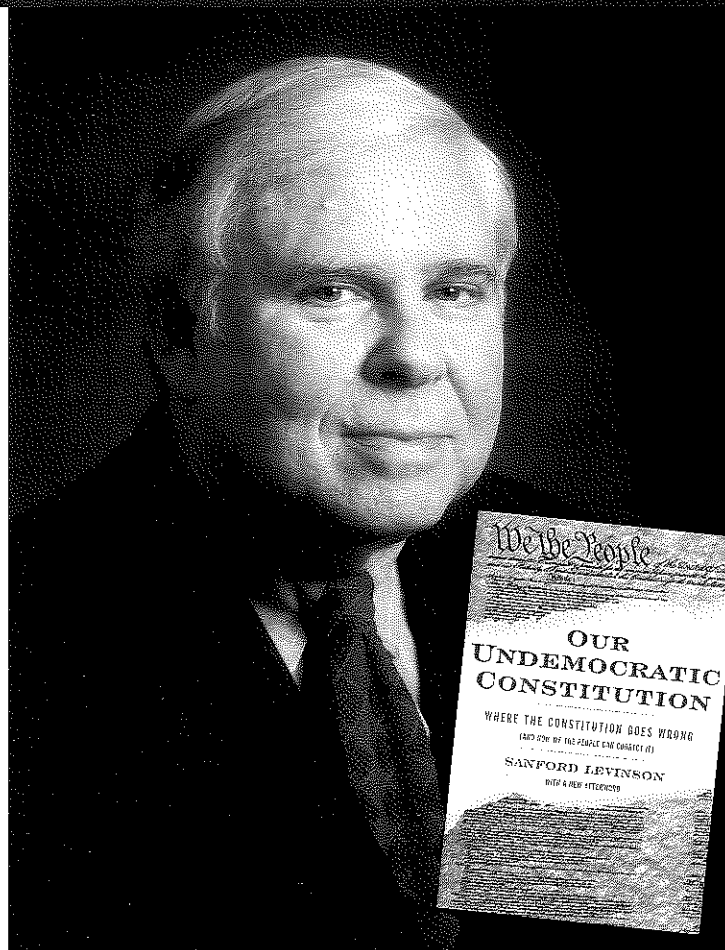
Before leaving the podium Penrose concluded, "My solution goes through the Article V process ... through the states model."

Also listed on Call a Convention's "Article V Movement" page is Convention USA. Convention USA is a nonprofit corporation that was founded by Chief Justice of the Michigan Supreme Court Thomas E. Brennan and several of his close associates. Convention USA describes itself as an "interactive, virtual convention being conducted on the Internet for the purpose of proposing amendments to the Constitution of the United States in the manner provided for in Article V of the federal constitution." Anyone can sign up on its website as a "delegate" to participate in the online "convention" to propose and debate amendments desired to be proposed and debated at a real constitutional convention. This virtual convention will "adjourn *sine die* when the United States Congress calls a convention pursuant to Article V," Convention USA's website states. Their goal is to "generate a groundswell of public support for an Article V convention, and force Congress to call the convention."

Convention USA's advisory board includes Lawrence Lessig. Other members of the advisory board have proposed their own amendments, which would fundamentally transform the Constitution.

Endgame: Constitutional Rewrite

Among the names listed on Convention USA's advisory board is University of Texas Law School Professor Sanford Levinson. On page nine of Levinson's book *Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It)* (2006), he contends that "the Constitution is both insufficiently democratic, ... and significantly dysfunctional." Levin-



son writes, "We should no longer express our blind devotion to it." He invites the reader to answer five questions in order to "scrutinize the adequacy of today's Constitution." The first question Levinson asks is:

Even if you support having a Senate in addition to the House of Representatives, do you support as well giving Wyoming the same number of votes as California, which has roughly seventy times the population?

Levinson's final question hints at wanting to lower the threshold of the required number of states to ratify an amendment:

Do you support the ability of thirteen legislative houses in as many states to block constitutional amendments de-

sired by the overwhelming majority of Americans as well as, possibly, eighty-six out of the ninety-nine legislative houses in the American states?

On page 11, Levinson makes the following proposal to address these questions:

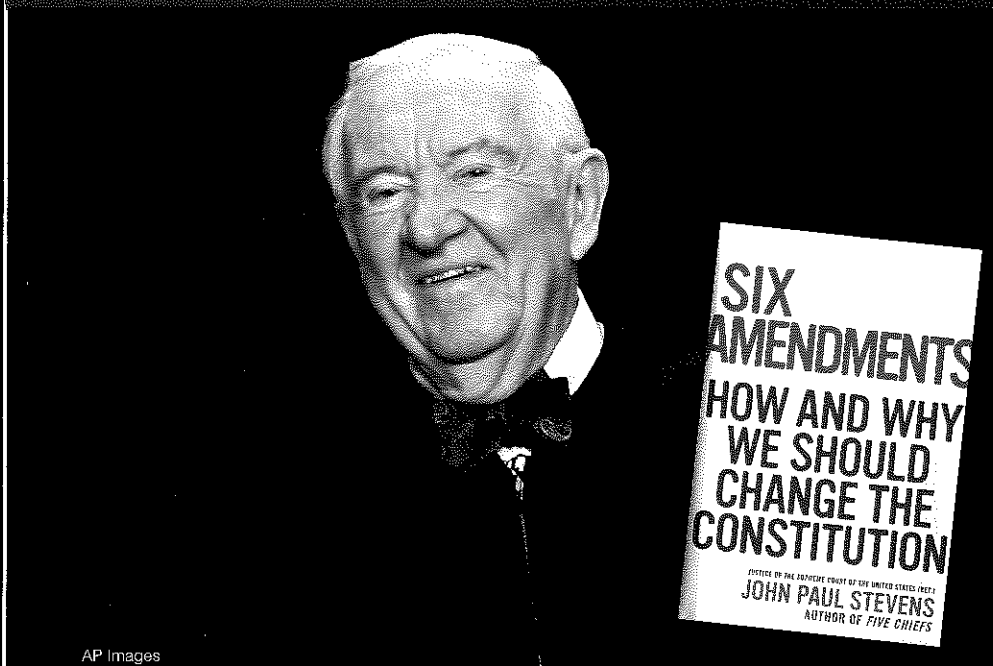
Shall Congress call a constitutional convention empowered to consider the adequacy of the Constitution and, if thought necessary, to *draft a new constitution* that, upon completion, will be submitted to the electorate for its approval or disapproval by majority vote? *Unless and until a new constitution gains popular approval, the current Constitution will continue in place.* [Emphasis added.]

Initially, Levinson sought a citizens-led campaign to individually petition Congress to call a convention. However, on page 174, he stated that if Congress resists the petitions of citizens for a convention, then "one moves on

to the procedure set out in Article V and lobbies for state legislatures to send similar petitions to Congress." Levinson continued, "We are surely entitled to believe that Congress would adhere to the clear command of the Constitution and call a convention should two-thirds of the states agree." Apart from serving on Convention USA's advisory board, Levinson was one of the invited guest speakers at the Harvard ConConCon. Furthermore, Levinson is also listed on Call a Convention's "Article V Movement" page.

As for Lawrence Lessig, the founder of Call a Convention, he wrote the following in an article entitled "Fidelity in Translation," published in the May 1993 issue of the *Texas Law Review*:

We live in a time when almost sixty percent of the American public can-



AP Images

Eliminating freedoms he doesn't like: Former Associate Justice John Paul Stevens proposes six alterations to the Constitution in his new book, *Six Amendments: How and Why We Should Change the Constitution*, among which include curtailing the First Amendment through campaign finance reform and limiting the "right of the people to keep and bear arms," as provided in the Second Amendment, to only "when serving in the Militia."

not even identify the Bill of Rights. If the document has become so out of date that its meaning is no longer plain to all — if it has become impossible to imagine a world where ordinary people carry the Constitution in their pockets — then perhaps it is time to restore its meaning by, as Justice [John Paul] Stevens has recently suggested, amending the text to preserve the meaning. Perhaps, that is, *it is time to rewrite our Constitution*. [Emphasis added.]

Under the guise of trying to make the Constitution more understandable for "ordinary people," Lessig reveals his desire to rewrite the Constitution. Lessig then goes on to confirm his intention to rewrite the Constitution:

We are like the person who finds himself at the store, with a list he can no longer make out, struggling to reconstruct what it must have been that he wanted to buy; at some point it may make sense simply to decide again what he wants, to *rewrite the list, to give up the obsession that it must be the same as the old list, to move on*. [Emphasis added.]

Lessig, the godfather of the Article V movement, believes "it is time to rewrite our Constitution" and that those who adhere to the Constitution as it is should "give up the obsession that it must be the same as the old" in order "to move on." Lessig's statements invoke the same sentiment as Levinson's.

During the ConConCon, Uygur asked Lessig questions about the prospect of a new constitutional convention and the possibility that it would become a runaway convention. Lessig responded that any "crazy amendments" proposed at a convention would still need to be ratified by 38 states. Uygur joyfully continued, "I agree, and the original convention they say was ... a runaway convention. It was, and it produced the greatest document known to man." Lessig then smiled and replied, "Let's have some more runaway conventions."

A "runaway" convention does not scare Lessig; it is precisely what motivates him. Individuals such as Lessig, Levinson, Penrose, and Stevens seek to do away with the

"outdated" Constitution of 1787 and replace it with an entirely new constitution bearing little similarity to the current one. With each application petitioning Congress to call a constitutional convention, the country moves closer to enabling the Left to completely rewrite the Constitution. The Left's deceptive quest to rewrite the Constitution is nothing new and would have transpired already had it not been for the effectual and fervent work of The John Birch Society. For decades The John Birch Society and its members across the country have worked tirelessly, actively educating people and lawmakers about the dangers of a constitutional convention. Art Thompson, CEO of The John Birch Society, told THE NEW AMERICAN:

With the failure of the Equal Rights Amendment, the overt thrust of the Left to alter the nature of our Constitution segued into a stealth program to bring about a constitutional convention in the name of instituting what American conservatives valued: pro-life, against flag burning, a balanced budget — anything to gain support for an initiative to set the stage for changing the Constitution. And, all the while, the Left has been involved in the process.

Thompson continued, "More and more evidence has surfaced that this is the case. The John Birch Society has been the vanguard for 40 years in preventing a constitutional convention and we continue to be that vanguard." Unless Americans become educated and get actively involved, the names Washington, Madison, and Franklin will be effaced by the names Lessig, Levinson, and Penrose. As Lessig gleefully wrote in 2010 regarding an Article V constitutional convention, "It would be a grand circus of democracy." ■



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HOUSE OF REPRESENTATIVES

HCR 2029

Article V; natural born citizen

Prime Sponsor: Representative Townsend, LD 16

X Committee on Federalism and States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HCR 2029 calls for an Article V Convention to adopt an amendment to the United States Constitution to define the term "natural born citizen."

PROVISIONS

1. Requests Congress to propose and pass an amendment that defines the term "natural born citizen."
2. Continues this application until at least two-thirds of the legislatures of the several states have made an application of the same subject.
3. Specifies that this application is revoked, withdrawn, nullified, and superseded if this resolution is used for conducting a convention for any other purpose.
4. Instructs the Arizona Secretary of State to transmit copies of the Resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each member of Congress from the State of Arizona and the presiding officers of each house of the several legislatures.

CURRENT LAW

According to Article V of the United States Constitution, amendments to the U.S. Constitution can be proposed in one of two ways: the approval of two-thirds of both Houses of Congress or on the application for a convention by two-thirds of the states' legislatures. Proposed amendments then have to be approved and sanctioned formally by three-fourths of the states' legislatures or by three fourths of the states' conventions. Congress may propose the mode of ratification.

Pursuant to U.S.C. Title 8 § 1401, federal law recognizes that the following have birth right citizenship in the United States: an individual born in the United States, and subject to jurisdiction thereof; an individual born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe; an individual born outside of United States jurisdiction of parents both whom are nationals of the United States and one of whom has had residence in United States' jurisdiction; a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States or; a person born outside of the geographical reach of the United States' jurisdiction one of whom is an alien, and the other a citizen of the United States who, prior to birth of such person, was physically present in the jurisdiction of United States for a total of five years.

ARIZONA HOUSE OF REPRESENTATIVES

Committee Report

February 3, 2016

MR. SPEAKER:

Your COMMITTEE ON FEDERALISM AND STATES' RIGHTS has had under consideration

HOUSE CONCURRENT RESOLUTION 2029 and respectfully recommends:

it do pass

LCS



KELLY TOWNSEND, Chairman
NOEL W. CAMPBELL, Vice-Chairman

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session


ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HCR 2029

DATE February 3, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell			✓		
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez					✓
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		4	3	0	1

APPROVED:


KELLY TOWNSEND, Chairman
NOEL W. CAMPBELL, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

ARIZONA STATE LEGISLATURE
 Fifty-second Legislature - Second Regular Session
COMMITTEE ATTENDANCE RECORD

COMMITTEE ON FEDERALISM AND STATES' RIGHTS

CHAIRMAN: Kelly Townsend VICE-CHAIRMAN: Noel W. Campbell

DATE	1/20/16	1/27/16	2/3/16	1/16	1/16
CONVENED	9:01 AM	9:02 AM	9:02 AM	m	m
RECESSED					
RECONVENED					
ADJOURNED	11:10 AM	10:42 AM	9:54 AM		
MEMBERS					
Mr. Finchem	✓	✓	✓		
Mr. Mitchell	✓	✓	✓		
Ms. Rios	—	✓	✓		
Mr. Thorpe	✓	✓	✓		
Ms. Velasquez	—	✓	—		
Mr. Wheeler	—	✓	✓		
Mr. Campbell, Vice-Chairman	✓	✓	✓		
Ms. Townsend, Chairman	✓	✓	✓		

✓ Present --- Absent exc Excused